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MEMO ENDORSED

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May 11, 2022

Hon. Valerie Caproni
United States District Court
Southern District of New York
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

RE: *Saccani Distributing Company. v. Clean Cause, Inc., et al.*
S.D.N.Y. Case No. 1:21-cv-07942-VEC

Dear Judge Caproni,

We are counsel for Plaintiff Saccani Distributing Company (“Saccani”) in the above-referenced action. Pursuant to this Court’s order dated December 3, 2021 (Dkt. # 38) (“Order”), Plaintiff Saccani and Defendant Clean Cause, Inc. (“Clean Cause”) hereby submit their joint letter regarding the status of the case.

Deadlines, Due Dates, and Cut-off Dates

According to the Court’s Order, all fact discovery shall be completed no later than May 13, 2022, and all expert discovery, including reports, production of underlining documents, and depositions, shall be completed no later than July 15, 2022. However, the parties herewith submit a joint letter to request that the cut-off date for fact discovery, currently Friday, May 13, 2022, be adjourned until July 15, 2022.

Brief Description of Outstanding Motions

Not applicable.

Status of the Discovery

The parties have been diligently conducting written discovery, which is almost complete subject to conclusion of the meet and confer process and service of further responses. Written discovery is expected to be completed by May 20, 2022. In addition, each party plans to depose three to four party-affiliated witnesses as well as one to two non-party witnesses.

Judge Valerie Caproni
May 11, 2022
Page 2

Settlement Discussions

The parties are, and have been, diligently discussing settlement. As a result, the parties believe the District's Mediation Program will be helpful in resolving this case and hereby request a referral to that Program.

Anticipated Length of Trial and Jury

The parties anticipate the trial will be 4-5 days. In addition, although Saccani did not request a jury trial, the Court's Order states that this case is to be tried to a jury.

Contemplated Motions

Plaintiff's Anticipated Motions

Plaintiff anticipates filing a motion for summary judgment/partial summary judgment after the close of discovery.

Defendant's Anticipated Motions

Defendant anticipates filing a motion for summary judgment/partial summary judgment after the close of discovery.

Sincerely,

DELFINO MADDEN O'MALLEY COYLE & KOEWLER LLP



Monica Hans Folsom

cc: Counsel for Defendant (via ECF)

Although the parties' joint request for an adjournment of their fact discovery deadline, *see* Letter Request, Dkt. 43, is at the last minute, the request is GRANTED. The parties were clearly aware of deposition scheduling issues well in advance of two days before the conclusion of fact discovery and they should have made their application to the Court sooner. Moving forward, the Court is unlikely to grant such last minute requests.

Accordingly, the fact discovery deadline is adjourned to **Friday, July 15, 2022** and the expert discovery deadline is adjourned to **Friday, September 2, 2022**. No further extensions.

The status conference, currently scheduled for Friday, May 20, 2022 at 10:00 A.M., is adjourned to **Friday, July 22, 2022 at 10:00 A.M.** Pre-conference submissions are due no later than **Thursday, July 14, 2022**. For a description of the pre-conference submissions, the parties should consult paragraph 10 of the Case Management Plan, at docket entry 38.

In this joint letter, Plaintiff indicates that it did not request a jury trial. *See* Letter, Dkt. 44 at 2. In the jointly proposed Case Management Plan (Dkt. 36), the parties selected that the case be tried before a jury. *See* Proposed CMP, Dkt. 36 ¶ 7. In any event, by no later than **Friday, May 20, 2022**, the parties must file a joint letter to the Court clarifying whether this case is to be tried before a jury or as a bench trial.

The Court will refer the case to the Court-annexed mediation program by separate order.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni", is written over the printed name.

Date: May 11, 2022

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE